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International Convention on the Elimination of all Forms of Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Dominican Republic

1. The Committee considered the fourth to eighth periodic reports of the Dominican Republic (CERD/C/331/Add.1) at its 1364th and 1365th meetings (see CERD/C/SR.1364 and 1365), on 23 and 24 August 1999, and adopted, at its 1369th meeting (see CERD/C/SR.1369), on 26 August 1999, the following concluding observations.

A. Introduction

2. The Committee takes note of the submission by the Dominican Republic of its long overdue report. It expresses its satisfaction over the resumption of the dialogue with the State party and the willingness expressed by the delegation to comply with its reporting obligations under the Convention. It also welcomes the supplementary information provided by the State party in writing as well as during the oral presentation. The Committee regrets, however, that the report did not follow the Committee's reporting guidelines and lacked important information about the implementation of the Convention. The Committee also regrets that the State party has not yet submitted a core document.

B. Positive aspects

3. The Committee takes note of the information provided by the State party on the ethnic composition of the population and on domestic legislation governing the acquisition of nationality and education programmes intended to combat racial prejudices, although this information was not complete.

4. The Committee takes note of the recent acceptance by the State party of the jurisdiction of the Inter-American Court of Human Rights, as well as the

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decision of the Supreme Court that regulates the procedure for the exercise of the right of protection in cases of violation of fundamental rights by public authorities.

C. Principal subjects of concern

5. Concern is expressed at statements contained in the periodic report that no racial prejudice exists in the Dominican Republic and that the State party never perceived any need to condemn racial discrimination within the meaning of article 2 of the Convention, as no country can claim the total absence of racial discrimination in its territory or be confident that it will not appear in the future.

6. Concern is also expressed about the situation of the large number of Haitians living in the country, the majority of them illegally, in view of information that they, and in particular women and children, are often unable to enjoy the most basic economic and social rights, such as housing, education and health services.

7. The Committee is also concerned at reports that racial prejudices exist not only against Haitians but also against the darker-skinned Dominicans.

8. The inadequacy of the present legislation, including the Penal Code, to enable the State party fully to discharge its obligations under article 4 of the Convention is a further matter of concern.

D. Suggestions and recommendations

9. The Committee recommends the State party to take the necessary steps to meet the requirements of articles 2 and 5 of the Convention.

10. The Committee recommends that in the current process of reform of the Penal Code the provisions of article 4 of the Convention be taken into consideration.

11. The Committee recommends that the State party take urgent measures to ensure the enjoyment by persons of Haitian origin of their economic, social and cultural rights without discrimination. Efforts should be made, in particular, to improve their living conditions in the bateyes (shanty towns).

12. The Committee recommends that the State party address the requirements of article 6 of the Convention by facilitating access to the courts and other competent institutions for victims of racial discrimination and ensuring that the perpetrators of racist acts are brought to trial and the victims obtain adequate reparation or satisfaction.

13. The Committee recommends that the State party take all appropriate measures to give effect to the provisions of article 7 of the Convention, with a view to combating racial prejudices in society and promoting understanding and tolerance among individuals and groups with different characteristics in terms of race, colour, descent or national or ethnic origin.

14. Measures should be taken to ensure that law enforcement officials receive appropriate training in matters pertaining to the Convention. The Committee recalls in this respect its general recommendation XIII.

15. The Committee requests that the State party include, in its next periodic report, information about the implications of the proposed social security scheme for the prevention of racial discrimination. It also requests information about the reform of the Penal Code currently under way, in particular with respect to matters pertaining to the Convention.

16. The State party should take all appropriate steps to acquaint the population with the Convention and to publish the periodic reports as well as the Committee's concluding observations.

17. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties.

18. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making the declaration be considered.

19. The Committee recommends that the State party's next periodic report, due on 24 June 2000, be a comprehensive one, follow the reporting guidelines and take account of the points raised in these concluding observations.